



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING July 15, 2008 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the joint meeting of the Council and Redevelopment Agency to order at 2:00 p.m. (The Finance Committee and Ordinance Committee met at 12:30 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, City Clerk Services Manager Cynthia M. Rodriguez.

CEREMONIAL ITEMS

1. Subject: City of Santa Barbara 2008 Youth Leadership Award Recipient (120.04)

Recommendation: That Council introduce the 2008 Santa Barbara Youth Leader.

Speakers:

- Staff: Recreation Programs Manager Sarah Hanna.
- Members of the Public: Angelica Hernandez; Tim Mahoney, District Manager, Southern California Gas Company.

Action: Mayor Blum introduced the City of Santa Barbara 2008 Youth Leadership Award Recipient Angelica Hernandez.

COUNCIL AND STAFF COMMUNICATIONS

City of Santa Barbara Deputy Fire Chief Don Levasheff and Santa Barbara County Fire Chief John Scherrei provided a recap on the City's participation in the Gap Fire.

PUBLIC COMMENT

Speakers: Kelsey Walker, Craig Sheets, Floyd Meyer, Mr. Pennington, Ruth Wilson, David Wass, Mickey Flacks, Bob Hansen, Phil Walker, and Fred Kuhlman.

CONSENT CALENDAR (Item Nos. 2 - 14 and 17)

The titles of the resolutions related to the Consent Calendar were read.

Motion:

Councilmembers Horton/Falcone to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of June 16, and the regular meetings of June 17 and June 24, 2008.

Action: Approved the recommendation.

3. Subject: Records Destruction For The Community Development Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Community Development Department, Building and Safety Division.

Action: Approved the recommendation; Resolution No. 08-078 (July 15, 2008, report from the Community Development Director; proposed resolution).

4. Subject: Beach Erosion Authority for Clean Oceans and Nourishment - Annual Dues Increase (150.02)

Recommendation: That Council approve an increase in the annual dues paid by the Waterfront Department to the Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) from \$10,000 to \$15,000, provided all other BEACON member agencies increase their dues to the new levels.

Action: Approved the recommendation (July 15, 2008, report from the Waterfront Director).

5. Subject: Fiscal Year 2008 Interim Financial Statements For The Eleven Months Ended May 31, 2008 (250.02)

Recommendation: That Council accept the Fiscal Year 2008 Interim Financial Statements for the Eleven Months Ended May 31, 2008.

Action: Approved the recommendation (July 15, 2008, report from the Finance Director).

6. Subject: Animal Control Donation (520.05)

Recommendation: That Council:

- A. Authorize the acceptance of an \$8,336 donation from the Deborah K. Oldham Trust of 2001 to the Santa Barbara Police Department's Animal Control Program for maintenance of an Animal Control vehicle for one year; and
- B. Increase estimated Fiscal Year 2009 General Fund revenue by \$8,336, and appropriate the funds to the Police Department's Animal Control Program budget.

Action: Approved the recommendations (July 15, 2008, report from the Chief of Police).

7. Subject: Approval Of Map And Execution Of Agreements For 1155-1159 Coast Village Road (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Parcel Map No. 20,776 for a subdivision at 1155-1159 Coast Village Road and other standard agreements relating to the approved subdivision, finding the Parcel Map in conformance with the State Subdivision Map Act, the City's Subdivision Ordinance, and the approved Tentative Subdivision Map.

Action: Approved the recommendation; Agreement Nos. 22,862 and 22,863 (July 15, 2008, report from the Public Works Director).

8. Subject: Lease Agreements For Franklin Neighborhood Center, Westside Community Center, And Louise Lowry Davis Recreation Center (330.04)

Recommendation: That Council authorize the Parks and Recreation Director to execute lease agreements for space at the following locations:

Franklin Neighborhood Center
Brotherhood of Santa Barbara
Cornelia Moore Dental Foundation Clinic
Endowment for Youth
UCSB/Project Excel

(Cont'd)

8. (Cont'd)

Westside Community Center

Community Action Commission/Senior Nutrition Program
Independent Living Resources Center
Santa Barbara Center for the Performing Arts
Special Olympics Southern California
WORK, Inc.

Louise Lowry Davis Recreation Center

United Cerebral Palsy Association of Los Angeles, Ventura, and Santa Barbara
County

Action: Approved the recommendation; Agreement Nos. 22,864 - 22,873
(July 15, 2008, report from the Parks and Recreation Director).

9. Subject: Exercise Of Option And Execution Of Agreements To Purchase Office
Space At 619 Garden Street For City Offices (330.01)

Recommendation: That Council:

- A. Authorize the City Administrator, or his designee, to deliver written notice to Mental Health Association Garden Street Apartments, LP (MHA), informing MHA of the City's intent to exercise the City's option to purchase an office condominium parcel described as Condominium Unit C of Parcel 1 of Parcel Map 20723 for condominium purposes, together with eight designated parking spaces within the parking garage, and associated common area located at property commonly known as 619 Garden Street, City of Santa Barbara, Assessor's Parcel Number 031-152-034;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting Real Property Located at 619 Garden Street and Authorizing the City Administrator, Subject to Review and Approval as to Form by the City Attorney, to Execute All Documents That May be Required and Consenting to the Recordation of the Grant Deed in the Official Records, County of Santa Barbara;
- C. Authorize the transfer of funds in the amount of \$1,164,145 from the Fiscal Year 2009 Water Capital Fund budget into escrow to purchase property; and
- D. Authorize the General Services Manager to negotiate and issue a Purchase Order to Hochhauser/Blatter in an amount not to exceed \$35,000, to develop plans and specifications for construction of tenant improvements.

Action: Approved the recommendations; Resolution No. 08-079 (July 15, 2008, report from the Public Works Director; proposed resolution).

10. Subject: Authorization For Bathymetric Survey Of Gibraltar Reservoir (540.09)

Recommendation: That Council authorize the General Services Manager to issue a purchase order to MNS Engineers Inc. (MNS), for completion of a bathymetric survey of Gibraltar Reservoir, for an amount not to exceed \$29,860.

Action: Approved the recommendation (July 15, 2008, report from the Public Works Director).

11. Subject: Contract For Design Services For The Laguna Channel Storm Water Pump Station Engine Replacements (540.06)

Recommendation: That Council authorize the Public Works Director to execute a contract with Carollo Engineers, Inc. (Carollo), in the not-to-exceed amount of \$52,000 for design services, and \$5,200 for extra services for necessary changes in the scope of work, for the design of the replacement of two storm water pump engines at the Laguna Channel Storm Water Pump Station.

Action: Approved the recommendation; Contract No. 22,874 (July 15, 2008, report from the Public Works Director).

12. Subject: Agreement For Workers' Compensation Claims Administration (350.08)

Recommendation: That Council approve and authorize the Finance Director to negotiate and execute a professional services agreement with JT2 Integrated Resources (JT2) for two fiscal years beginning July 1, 2008, and ending June 30, 2010, to provide workers' compensation claims administration for annual fees of \$234,593 in Fiscal Year 2009 and \$239,285 in Fiscal Year 2010, and provide bill review services for an annual fee of \$72,563.

Action: Approved the recommendation; Agreement No. 22,875 (July 15, 2008, report from the Finance Director).

13. Subject: Mission Creek Fish Passage - Accept Grant Funding For Final Design Of Highway 192 And Tallant Road Bridge Barrier Removal (540.14)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Parks and Recreation Director to Accept Grant Funds and Execute Two Grant Agreements for \$69,410 and \$50,000 from the California Department of Fish and Game Fisheries Restoration Grant Program for the Mission Creek Fish Passage Projects at the Highway 192 and Tallant Road Bridges, Respectively;

(Cont'd)

13. (Cont'd)

- B. Increase appropriations and estimated revenues by \$119,410 in the Creeks Division Capital Fund for the Mission Creek Fish Passage Projects at the Highway 192 and Tallant Road Bridges; and
- C. Authorize the Parks and Recreation Director to execute two professional services agreements with Questa Engineering Corporation (Questa) in the amounts of \$69,410 and \$56,500 to prepare final plans and construction specifications for the Mission Creek Fish Passage Projects at the Highway 192 and Tallant Road Bridges, respectively.

Action: Approved the recommendations; Resolution No. 08-080; Agreement Nos. 22,876 and 22,877 (July 15, 2008, report from the Parks and Recreation Director; proposed resolution).

14. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Approval For 800 Santa Barbara Street

Recommendation: That Council:

- A. Set the date of September 30, 2008, at 6:00 p.m. for hearing the appeal filed by the Santa Barbara Trust for Historic Preservation of the Planning Commission approval of an application for property owned by 800 Santa Barbara Street LLC and located at 800 Santa Barbara Street, Assessor's Parcel No. 031-012-028, C-2 Commercial Zone, General Plan Designation: Major Public & Institutional/Offices. The proposed project involves the demolition of an existing one-story commercial building and the construction of a two- and three-story mixed-use building containing six residential condominium units and ten commercial condominiums totaling 4,838 square feet. The discretionary applications required are a Tentative Subdivision Map and Development Plan Approval; and
- B. Set the date of September 29, 2008, at 1:30 p.m. for a site visit to the property located at 800 Santa Barbara Street.

Action: Approved the recommendations (June 19, 2008, letter of appeal).

Item Nos. 15 and 16 appear in the Redevelopment Agency minutes.

NOTICES

- 17. The City Clerk has on Thursday, July 10, 2008, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger Horton reported that the Committee reviewed and approved the Interim Financial Statements for the Eleven Months Ended May 31, 2008, for both the City and the Redevelopment Agency. Both sets of statements were approved by the Council and Redevelopment Agency as part of this Agenda's Consent Calendar (Item Nos. 5 and 16, respectively).

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Das Williams reported that the Committee met to receive Waterfront Staff's suggested changes to Santa Barbara Municipal Code Title 17, which were unanimously approved by the Harbor Commission. The changes include such items as clarifying that sailboats shall not proceed through areas designated for swimmers, visitors shall not leave boats over the 28-day period and the Waterfront Department staff may impound and charge fees if visitors go beyond this time period. The ordinance will be forwarded to the Council for introduction and subsequent adoption in a couple of weeks.

PUBLIC HEARINGS

18. Subject: Appeal Of The Planning Commission Approval Of 1298 Coast Village Road (640.07)

Recommendation: That Council:

- A. Deny the appeals of Friends of Outer State Street, Delfina Mott, Save Coast Village Road, and Sandy and John Wallace, adopt the Mitigated Negative Declaration, and uphold the Planning Commission approval of the Tentative Subdivision Map, the Coastal Development Permit, the Development Plan, and the Modifications; and
- B. Request City staff to prepare a Council Resolution with the evidence and findings appropriate to deny the appeals and uphold the decision of the Planning Commission, to prepare an Ordinance amending the Zoning Map, and to submit the Resolution and Ordinance to the City Council for its consideration and possible approval.

Documents:

- July 15, 2008, report from the Community Development Director.
- July 9, 2008, Staff memorandum transmitting the following: 1) cumulative public correspondence to the Planning Commission for this project; 2) January 8, 2008, letter from Project Architects Lenvik & Minor; and 3) Negative Declaration Exhibits A through I.
- Affidavit of Publication.
- July 11, 2008, letter from Babak Naficy, representing Appellants John & Sandy Wallace.

(Cont'd)

18. (Cont'd)

Documents (Cont'd):

- July 12, 2008, and July 14, 2008, letters from Tony Fischer, representing Appellants John & Sandy Wallace.
- July 14, 2008, letters from Appellants John & Sandy Wallace and Babak Naficy.
- July 15, 2008, binder containing supportive letters, emails and calls regarding the 1298 Coast Village Road project, submitted by Applicant John Price.
- June 30, 2008, letter from Nancy Merritt.
- July 1, 2008, letter from Daniel Contreras.
- July 3, 2008, letters from Nadine Houtman, E. Grimm, Dorothy & Freeman Gosden, Jr., and Jack Sears.
- July 4, 2008, letter from Naomi J. Grant.
- July 6, 2008, letter from Rick Dodge.
- July 7, 2008, letters from Ernie Sandavol, Sean Hutchinson, Mr. & Mrs. R. Vance, J. Carroll and Maria Herold.
- July 8, 2008, letters from Tod Berlinger, Kent & Tina Braniff, David F. Myrick and Hewson & Caroline Gadsby.
- July 9, 2008, letters from Mike Johnson and Nan Euler.
- July 10, 2008, letters from Jeannine Howden, Glen & Susan Estabrook, Bill Palladini and Fred P. Euler.
- July 11, 2008, email communication from James Westby.
- July 12, 2008, letters from Ralph Fertig, Keven R. Vickors and Louise A. Duffey.
- July 12, 2008, petition from Phoebe Alexiades.
- July 13, 2008, letters from Fredi & Robert Consolo, David C. Turpin, Marta Turpin, Julie H. Freedman, Jo Rogers, James Giles, Jon Bull and Diane Giles.
- July 14, 2008, letters from Betty Little, Kent N. Lind, Joyce Larsen, Carol Abrams, Giemiz Johnson, Edith Tipple, Don & Anita Fazio, Victoria G. Pauley, Gary Finefrock, Christina Allison, William R. Pulice, Winifred B. Bennett, Gary G. Kuist, Shelley Nadel, Ruth Perry, Wilfred M. Perry, Mr. & Mrs. David Karpeles, Greg & Shannon Venable, Christie & John Venable and Kia W. McInerny.
- July 15, 2008, letters from Dorothy Clarke, Dorothy Daniels, Karen W. Cooper, Margaret Graham, Anthony Winterbauer, John Macker, J.A. Wilson, Ann Symington, Mikki & Bob Lally, Patricia Hurlbert and Joshua M. Monroy.

(Cont'd)

18. (Cont'd)

Documents (Cont'd):

- July 15, 2008, written comments submitted by Barbara Thornburgh, Sam Darsie, Steve Leider, Mike Underwood, Michael Chenoweth, Jeff Yardy, Graham Baylis, Paco Buxton, Julia Janoff, Gavin Roy, Kaitlin Armstrong, Nick Ditmore, Armand Vartavian, Natalie Blackmore, Alejandra Orozco, Frank Banales, Charlotte A. Woods, Bob Krause, Joanne Douglas, Marie Finck, Mary Joyce Krause, Naomi J. Grant, Emma Grimm, Alan South, Laura M. Smith, Marion E. Smith, Richard C. Smith, Tony Rosales, Mike Woods, Nan Euler, George Murray, Ron True, Donald B. Hunt, Laina Mayfield-Condron, Karen Chackel, Jim Hamilton and Lori Hamilton.
- July 15, 2008, written comments submitted by Laurel Rose, Laurel Brady, Jo Williams, John Rutherford, Juliet West, Bruce Roblus, Mike Zois, Ernie Sandoval, Stan Matkowski, Allan Kness, Kyle McClung, George Krebs, Bo Graeber, Diane Johnson, Richard Eskew, Bill Mellett, James Jennings, Robert Uellner, John Weymoth, Kim Hultgen, May Williams, Josie Williams, Sara Kinsell and Deborah Branch.

Public Comment Opened:
2:45 p.m.

Speakers:

- Senior Planner Jan Hubbell, Associate Planner Peter Lawson, Senior Planner Debra Andaloro, City Attorney Stephen Wiley.
- Planning Commission: Commissioners Addison Thompson, George Myers, John Jostes.
- Appellant: Derek Westen, Danny Copus, Babak Naficy, John Wallace, Steve Orosz.
- Applicant: Jeff Gorrell, Scott Shell, Doug Fell.

Recess: 4:20 p.m. - 4:34 p.m.

Speakers (Cont'd):

Members of the Public: Gene Sinser, Ginger Sandoval, Juergen Boehr, Jim Fabio, David Pintard, Richard Berti, Robert Vance, Molly Rosecrance, Ed Edick, Frank Viera, Darren Wilson, Kathy Odell, Leone Murphy, Tad Berlinger, Mike Greenberg, Mike Viera, Rich Ridgway, R. McMillim, John A. Ziliotto, Lee Artman, Claudia Gaustad, William R. Loomis, Jr., Phoebe Alexiades, Mary Williams, Fred Euler, Skye McGinnes, Jim Wickman, Linda Uellner, Christina Allison, Kellam de Forest, Jim Westby, Steve Hyslop, Joe Atwill, Steve Cushman, Art Gasmark, Nicole Wilson, Kathleen Loraine, Sandy Wallace.

Public Comment Closed:
6:15 p.m.

(Cont'd)

18. (Cont'd)

Motion:

Councilmembers House/Williams to:

1. Approve recommendation A, with the exception that the modification of the second floor setback on the north side of the property is to be denied;
2. Provide the following specific direction to the Architectural Board of Review:
 - a. Work with applicant to reduce the apparent bulk of the building, with emphasis on compatibility with the Olive Mill neighborhood;
 - b. Study the tower element and the relationship between the second and third floor setbacks; and
 - c. Study the landscape plan that addresses the landscape buffer between the project and the northern neighbor;
3. Add a Condition of Approval for the project to require an affordable housing component; and
4. Request City staff to prepare a Council Resolution with the evidence and findings appropriate to deny the appeals and uphold the decision of the Planning Commission, and to submit the Resolution to the City Council for consideration and possible approval within thirty (30) days.

Recess: 6:45 p.m. - 6:52 p.m.

The motion was withdrawn by Councilmembers House and Williams.

Motion:

Councilmembers Falcone/House to direct staff to prepare an ordinance changing the zoning of this parcel from R-2 to C-1, and return to the City Council for consideration and possible approval.

Vote:

Unanimous voice vote.

(Cont'd)

18. (Cont'd)

Motion:

Councilmembers House/Williams to:

1. Approve recommendation A, with the exception that the modification of the second floor setback on the north side of the property is to be denied;
2. Provide the following specific direction to the Architectural Board of Review:
 - a. Work with applicant to substantially reduce the apparent bulk of the building, with emphasis on compatibility with the Olive Mill Road neighborhood;
 - b. Remove or relocate the tower element; and
 - c. Re-study the relationship between the second and third floor setbacks to reduce the visibility and amount of the third story;
3. Add a Condition of Approval for the project to require an inclusionary fee of \$17,000 per unit, to be added to the Inclusionary Housing fund; and
4. Request City staff to prepare a Council Resolution with the evidence and findings appropriate to deny the appeals and uphold the decision of the Planning Commission, and to submit the Resolution to the City Council for consideration and possible approval within thirty (30) days.

Vote:

Majority voice vote (Noes: Councilmembers Francisco, Falcone, Mayor Blum).

CHANGES TO THE AGENDA

City Administrator James Armstrong advised that the following item would be deferred to a future meeting:

19. Subject: Technical Guidance Manual For Post-Construction Storm Water Management (530.04)

Recommendation: That Council receive a report and provide comments on the City's Technical Guidance Manual for Post-Construction Storm Water Management.

RECESS

7:07 p.m. - 7:10 p.m.

PUBLIC COMMENT

Speakers: Scott Wenz, representing Cars Are Basic.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

PUBLIC WORKS DEPARTMENT

21. Subject: Ferrelo Road Underground Utility Assessment District Engineer's Report And Recommended Project Conclusion (530.07)

Recommendation: That Council:

- A. Receive the filed Engineer's Report for the Ferrelo Road Underground Utility Assessment District; and
- B. Take no further action regarding the formation of the proposed Ferrelo Road Underground Utility Assessment District (UUAD).

Documents:

July 15, 2008, report from the Public Works Director.

Speakers:

- Staff: Principal Civil Engineer John Ewasiuk.
- Members of the Public: Stacy Shepherd, Steve Chang, Ray Johnson, Rick Hubbard, Adele Hubbard, Jacqueline Page, Charlie Boss, Gavin Moores, Rose Wills, Jim Ellwell, and Glenn McMurry.

Councilmember Francisco left the meeting at 7:40 p.m.

Motion:

Councilmembers Falcone/Horton to approve the recommendations.

Vote:

Unanimous voice vote (Absent: Councilmember Francisco).

RECESS

Mayor Blum recessed the meeting at 8:15 p.m. in order for the Council to reconvene in closed session for Agenda Item No. 20 and stated that no reportable action is anticipated.

CLOSED SESSIONS

20. Subject: Conference With Legal Counsel - Potential Litigation (160.03)

Recommendation: That Council hold a closed session to consider anticipated litigation pursuant to subsection (c) of section 54956.9 of the Government Code and take appropriate action as needed.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

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20. (Cont'd)

Documents:

July 15, 2008, report from the City Attorney.

Time:

8:23 p.m. - 8:40 p.m. Councilmember Francisco was absent.

No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 8:40 p.m.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

_____ MARTY BLUM MAYOR	ATTEST:	_____ CYNTHIA M. RODRIGUEZ, CMC CITY CLERK SERVICES MANAGER
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